

**REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH  
ORDINANCES/POLICIES**

**FOR PURPOSES OF CONSIDERATION OF  
SHADY OAK; PDS2016-REZ-16-005; PDS2016-TM-5614; PDS2016-STP-16-019;  
PDS2016-ER-16-08-008**

**August 30, 2017**

**I. HABITAT LOSS PERMIT ORDINANCE** – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES

NO

NOT APPLICABLE/EXEMPT

Discussion:

While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

**II. MSCP/BMO** - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES

NO

NOT APPLICABLE/EXEMPT

Discussion:

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

**III. GROUNDWATER ORDINANCE** - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES

NO

NOT APPLICABLE/EXEMPT

The project will obtain potable water from the Valley Center Municipal Water District that obtains water from surface reservoirs or other imported sources.

**IV. RESOURCE PROTECTION ORDINANCE** - Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>
The <a href="#">Steep Slope</a> section (Section 86.604(e))?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Discussion:

***Wetland and Wetland Buffers:***

The project has been found to be consistent with Article IV of the Resource Protection Ordinance (RPO), due to the following reasons: a) the project would not result in the placement of any non-permitted uses within wetlands; b) the project would not result in grading, filling, construction, or placement of structures within identified wetlands; and c) the project would not result in any non-permitted uses within wetland buffer areas. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the RPO.

***Floodways and Floodplain Fringe:***

Federal Emergency Management Agency (FEMA) and County mapped floodplains are not identified on the project site.

***Steep Slopes:***

Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County RPO. There are no steep slopes on the property. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

***Sensitive Habitats:***

Biological resources on the project site were evaluated in a Biological Resources Report prepared by REC Consultants. No state- or federal-listed endangered or threatened species have been found on-site. In addition, no County Group A, B, C or D plant species, County Group 1 or 2 animal species, or state Species of Special Concern have been found on-site.

***Significant Prehistoric and Historic Sites:***

The property has been surveyed by a County of San Diego approved archaeologist and historian and it has been determined there is one (or more) archaeological/historical site(s). The cultural sites have been analyzed and determined not to be RPO significant. Therefore, the project complies with the RPO.

**V. STORMWATER ORDINANCE (WPO)** - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES

NO

NOT APPLICABLE

Discussion:

The project Storm Water Quality Management Plan and Hydromodification Management Study has/have been reviewed and is/are found to be complete and in compliance with the WPO.

**VI. NOISE ORDINANCE** – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES

NO

NOT APPLICABLE

Discussion:

Even though the proposal could generate potentially significant noise levels (i.e., in excess of the County General Plan or Noise Ordinance), the following noise mitigation measures are proposed to reduce the noise impacts to applicable limits:

The project is subject to the County Noise Element exterior noise threshold of 60 dBA CNEL for proposed exterior sensitive outdoor areas. Some proposed outdoor useable areas would be exposed to future traffic noise exceeding the 60 dBA CNEL sound level requirements. Noise mitigation in the form of sound barriers along Mirar De Valle Road and the proposed private road would be required to ensure outdoor areas in proximity to this roadway would be exposed to traffic noise levels of 60 dBA CNEL or less. Additionally, the combination of the required noise barriers and the intervening proposed future residential homes are adequate to reduce noise levels at these outdoor sensitive areas. Exposure to 60 dBA CNEL at habitable structures would also require an interior noise study to ensure interior Noise Element requirement of 45 dBA is met. A Noise Restriction Easement will be dedicated to the Tentative Map to ensure interior (and exterior) sound levels are met requiring an interior noise assessment prior to issuance of building permits for selective units. Project traffic contributions on nearby roadways were determined to result in less than significant off-site direct and cumulative

impacts. Traffic would not result in a substantial contribution to the existing noise levels along these nearby roadways.

The project is also subject to the County Noise Ordinance which regulates both permanent and temporary project related noise sources. Primary permanent sources include mechanical units such as air conditioning units at the residential, rental and amenity spaces. Noise measures in the form of a perimeter barrier or noise screen barriers would be needed to demonstrate Noise Ordinance compliance with the most restrictive nighttime one-hour average sound level limit at the project property lines

Temporary construction noise was assessed and would be subject to the County 75 dBA eight hour average requirement at the boundary of any occupied property, specifically an existing residence. Earth movement proposed would be a balance cut and fill with no import or export. Impulsive construction activities are not anticipated. Incorporation of construction equipment measures would help reduce the overall construction equipment noise as temporary construction operations are not anticipated to exceed county noise standards. As part of the grading plan approval associated with the Tentative Map, grading plan notes requiring noise reducing measures will be required. Therefore, incorporation of noise measures would ensure the project is in conformance with the County Noise Element and is in compliance with the County Noise Ordinance.